

Exhibit 1

NATIONAL REGISTERED AGENTS, INC

SERVICE OF PROCESS SUMMARY TRANSMITTAL FORM

To: PATRICIA J. IRVING
SWIFT TRANSPORTATION SERVICES, LLC
2200 S. 75TH AVENUE
PHOENIX, AZ 85043

SOP Transmittal # **AZ30023**

(888) 617-4545 - Telephone

Entity Served: SWIFT TRANSPORTATION CO. OF ARIZONA, LLC (Domestic State: DELAWARE)

Enclosed herewith are legal documents received on behalf of the above captioned entity by National Registered Agents, Inc or its Affiliate in the State of ARIZONA on this 14 day of November, 2012. The following is a summary of the document(s) received:

1. **Title of Action:** DAN COBERLY v. SWIFT ETAL
2. **Document(s) served:** Summons/Citation/Third Party Summons, Complaint/Petition/Third Party Complaint
3. **Court of Jurisdiction/** MARICOPA SUPERIOR COURT
Case & Docket Number: CV2012-055294
4. **Amount Claimed, if any:**
5. **Method of Service** (select one):
☒ Personally served by: ☒ Process Server ☐ Deputy Sheriff ☐ U. S Marshall
☐ Delivered Via: ☐ Certified Mail ☐ Regular Mail ☐ Facsimile
(Envelope enclosed) (Envelope enclosed)
☐ Other (Explain):
6. **Date and Time of Receipt:** 11/14/2012 1:00:00 PM EST (GMT -5)
7. **Appearance/Answer Date:** 20 Days
8. **Received From:** MICHELLE MATHESON
(Name, Address & Telephone Number) MATHESON & MATHESON PLC
15300 NORTH 90TH STREET #550
SCOTTSDALE, AZ 85260
480/889-8951
9. **Federal Express Airbill #** 794078576112
10. **Call Made to:** Not required
11. **Special Comments:**
This SOP was digitally scanned and First Serve notification was sent to: PATRICIA J. IRVING.;

NATIONAL REGISTERED AGENTS, INC

Copies To:

Transmitted by Dan Miles

The information contained in this Summary Transmittal Form is provided by National Registered Agents, Inc for informational purposes only and should not be considered a legal opinion. It is the responsibility of the parties receiving this form to review the legal documents forwarded and to take appropriate action.

ORIGINAL



NATIONAL REGISTERED AGENTS, INC.

The Right Choice for Registered Agent Services

Cover Page for AZ30023

This file contains **33** pages of graphic image of Legal Process received in the State of **ARIZONA** on **11/14/2012** for **SWIFT TRANSPORTATION CO. OF ARIZONA, LLC**.

The document(s) will be forwarded to the individual designated to receive Service of Process from NRAI. As this document(s) has been separated to enable scanning of the image, the Official Record on file with the Court of Jurisdiction should be relied on as the complete record. NRAI accepts no responsibility or liability for missing or incorrectly collated pages in the reassembly of the served document(s).

Michelle R. Matheson (AZ#019568)
Darrel S. Jackson (AZ#018415)
Matthew E. Walls (AZ#026523)
MATHESON & MATHESON, P.L.C.
15300 North 90th Street
Suite 550
Scottsdale, Arizona 85260
(480) 889-8951
mmatheson@mathesonlegal.com
djackson@mathesonlegal.com
mwalls@mathesonlegal.com

Attorneys for Plaintiff

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

Dan L. Coberly, a married man,

Plaintiff,

v.

Swift Transportation of Arizona, L.L.C., a
Delaware limited liability company,

Defendant.

Case No.: CV 2012 - 055294

SUMMONS

If you would like legal advice from a lawyer,
contact the Lawyer Referral Service at

602-257-4434

or

www.lawyerfinders.org

Sponsored by the
Maricopa County Bar Association

THE STATE OF ARIZONA TO THE DEFENDANT:

C/O National Registered Agents, LLC
300 W. Clarendon Ave, #230
Phoenix, AZ 85013

YOU ARE HEREBY SUMMONED and required to appear and defend, within the time applicable, in this action in this Court. If served within Arizona, you shall appear and defend within 20 days after the service of the Summons and Complaint upon you, exclusive of the day of service. If served out of the State of Arizona – whether by direct service, by registered or certified mail, or by publication – you shall appear and defend within 30 days after the service of the Summons and Complaint upon you is complete, exclusive of the day of service. Where process is served upon the Arizona

Director of Insurance as an insurer's attorney to receive service of legal process against it in this state, the insurer shall not be required to appear, answer or plead until the expiration of 40 days after date of such service upon the Director. Served by registered or certified mail without the State of Arizona is complete 30 days after the date of filing the receipt and affidavit of service with the Court. Service by publication is complete 30 days after the date of first publication. Direct service is complete when made. Service upon the Arizona Motor Vehicle Superintendent is complete 30 days after filing the Affidavit of Compliance and return receipt or Officer's Return. RCP 4; A.R.S. §§ 20-222, 28-502, 28-503.

YOU ARE HEREBY NOTIFIED that in case of your failure to appear and defend within the time applicable, judgment by default may be rendered against you for the relief demanded in the Complaint.

YOU ARE CAUTIONED that in order to appear and defend, you must file an Answer or proper response in writing with the Clerk of this Court, accompanied by the necessary filing fee, within the time required, and you are required to serve a copy of any Answer or response upon the Plaintiff's attorney. RCP 10(d); A.R.S. § 12-311; RCP 5.

REQUESTS FOR REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES MUST BE MADE TO THE DIVISION ASSIGNED TO THE CASE BY PARTIES AT LEAST THREE (3) JUDICIAL DAYS IN ADVANCE OF A SCHEDULED COURT PROCEEDING. Maricopa County Local Rule 2.6, effective October 1, 1994.

The name and address of Plaintiffs' attorney is:

Darrel S. Jackson
Matheson & Matheson, P.L.C.
15300 North 90th Street, Suite 550
Scottsdale, Arizona 85260
(480) 889-8951

GIVEN UNDER MY HAND this date: _____

 Clerk of the Superior Court

COPY

By _____
 Deputy Clerk



NOV 13 2012

ROBERT P. JEANES, CLERK
 V. VACQUEL
 DEPUTY CLERK

Michelle R. Matheson (019568)
Darrel S. Jackson (018415)
Matthew E. Walls (026523)
MATHESON & MATHESON, P.L.C.
15300 N. 90th Street, #550
Scottsdale, AZ 85260
mmatheson@mathesonlegal.com
djackson@mathesonlegal.com
mwalls@mathesonlegal.com

Attorney for Plaintiff

COPY

AUG 15 2012



MICHAEL K. JEANES, CLERK
R. BARTLETT
DEPUTY CLERK

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

Dan L. Coberly, a married man,

Plaintiff,

v.

Swift Transportation of Arizona, L.L.C., a
Delaware limited liability company,

Defendant.

No.: CV2012-055294

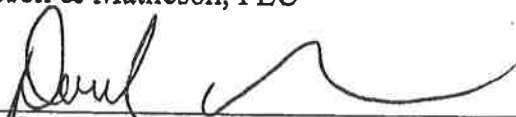
**CERTIFICATE REGARDING
COMPULSORY ARBITRATION**

The undersigned certifies that they know the dollar limits and any other limitations set forth by the local rules of practice for the applicable superior court, and further certifies that this case is not within the jurisdictional limit for compulsory arbitration and is subject to compulsory arbitration, as provided by Rules 72 through 76 of the Arizona Rules of Civil Procedure.

Dated this 15th day of August, 2012.

Matheson & Matheson, PLC

By:


Darrel S. Jackson #018415

1 ORIGINAL and COPY of the foregoing
2 hand delivered the same day as the
3 Complaint and Summons, to:

4 By: Christina Garrett
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COPY

AUG 15 2012



MICHAEL K. JEANES, CLERK
R. BARTLETT
DEPUTY CLERK

Michelle R. Matheson, 019568
Darrel S. Jackson, 018415
Matthew E. Walls, 026523
MATHESON & MATHESON, P.L.C.
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Attorneys for Plaintiff

SUPERIOR COURT OF ARIZONA

MARICOPA COUNTY

Dan L. Coberly, a married man,

Plaintiff,

v.

Swift Transportation of Arizona, L.L.C., a
Delaware limited liability company,

Defendant.

No.: CV2012-055294

COMPLAINT

(JURY TRIAL REQUESTED)

Plaintiff Dan Coberly alleges:

1. This case arises out of Defendant's unlawful employment practices. Specifically, Defendant Swift Transportation or Arizona, LLC ("Swift") unlawfully failed and refused to pay Mr. Coberly overtime as required by the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201 *et seq.* Swift also failed and refused to pay Mr. Coberly for time that he was required to work "off-the-clock," in violation of Arizona's wage statute, A.R.S. § 23-352.

1 2. This Court has jurisdiction over this matter pursuant to Ariz. Const.
2 Art. 6, § 14.

3 3. This Court is the appropriate venue, pursuant to A.R.S. § 12-401,
4 because Swift's corporate headquarters is located in Maricopa County, Arizona (at
5 2200 S. 75th Avenue, Phoenix, Arizona, 85043) and because the acts alleged
6 herein occurred in Maricopa County.

7
8 4. Swift is a trucking company, providing transportation and logistics
9 services to customers throughout North America.

10 5. Mr. Coberly has worked for Swift for approximately 17 years, and
11 he continues to work for Swift. Mr. Coberly was a commercial driver for Swift
12 for nine years. For that last eight years, he has performed a variety of job duties
13 for Swift at its corporate headquarters.

14
15 6. For the time period relevant to this lawsuit, Mr. Coberly regularly
16 coordinated Swift's efforts to respond to incidents that involve the release of any
17 hazardous materials into the environment ("**Haz-Mat Incidents**").

18 7. Mr. Coberly regularly worked a 40-hour work week at Swift's
19 corporate headquarters.

20
21 8. In addition to his regular work week, Swift required Mr. Coberly to
22 be on-call to coordinate Swift's immediate response to any Haz-Mat Incidents.

1 9. Swift required Mr. Coberly to be on-call to respond to any Haz-Mat
2 Incidents 24 hours per day and every day of the year.

3 10. Swift required Mr. Coberly to respond to each Haz-Mat Incident
4 within 15 minutes of receiving notice.

5 11. Mr. Coberly was required to make contemporaneous notes into a
6 computerized system as he responded to Haz-Mat Incidents. For example, he was
7 required to contemporaneously document response times and field reports into
8 three separate computer systems. Consequently, he was required to have access to
9 a computer and internet connectivity at all times.

11 12. Mr. Coberly was regularly required to respond to Haz-Mat Incidents
12 during his normal sleeping hours.

13 13. Mr. Coberly was regularly required to respond to Haz-Mat Incidents
14 on weekends and holidays, and during vacations and sick time.

15 14. Swift has not paid Mr. Coberly for any work performed outside of
16 his normal work hours at corporate headquarters.

17 15. Beginning on or about July 18, 2010, Swift began paying
18 Mr. Coberly on an hourly basis. His initial hourly wage rate was \$18.91. On or
19 about May 8, 2011, his hourly wage rate increased to \$19.48. On or about April 8,
20 2012, his hourly wage rate increased to \$20.06.
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1 16. Mr. Coberly periodically received a bonus when Swift met certain
2 earnings goals. For example, in February 2012, Mr. Coberly received a bonus of
3 \$405.00.

4 17. Mr. Coberly does not receive a salary, commissions, or any other
5 form of compensation in addition to his hourly wage and periodic bonuses.

6 18. Mr. Coberly did not supervise other employees. For example, he
7 made no decisions or recommendations regarding disciplining other employees.
8

9 19. Mr. Coberly did not hire or fire other employees, and made no
10 recommendations regarding hiring or firing other employees.

11 20. Mr. Coberly made no decisions regarding work schedules for other
12 employees.
13

14 **COUNT ONE**

15 **(Fair Labor Standards Act Overtime Claim)**

16 21. Mr. Coberly incorporates by reference the allegations above.

17 22. Mr. Coberly was a covered "employee" and Swift was
18 Mr. Coberly's "employer" as those terms are defined by the FLSA.

19 23. Swift is a covered "Enterprise engaged in commerce or in the
20 production of goods for commerce" as that term is defined by the FLSA, 29
21 U.S.C. §§ 201-219.
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1 24. Swift's annual gross volume of sales or business done was not less
2 than \$500,000.00 in the four calendar quarters preceding the filing of this
3 complaint.

4 25. Mr. Coberly is a covered individual "engaged in commerce or in the
5 production of goods for commerce" as that term is defined by the FLSA.

6 26. Mr. Coberly is a nonexempt employee under the FLSA.

7 27. Swift is aware or should have been aware that federal law required it
8 to pay overtime to Mr. Coberly for all time worked in excess of 40 hours per
9 week.
10

11 28. Swift did not make a good-faith effort to ascertain and comply with
12 its obligations under the FLSA.

13 29. Swift's violation of the FLSA was willful.

14 30. Mr. Coberly has suffered economic damages as a result of Swift's
15 unlawful compensation practice and is entitled to statutory remedies provided
16 pursuant to the FLSA, including unpaid overtime compensation, liquidated
17 damages, pre and post judgment interest, attorneys' fees and costs.
18

19 COUNT TWO

20 (Arizona Wage Claim)

21 31. Mr. Coberly incorporates by reference the allegations above.
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1 32. Swifts failure to pay Mr. Coberly for all regular and overtime wages
2 earned constitutes a violation of A.R.S. § 23-352, entitling him to an award of
3 treble damages pursuant to A.R.S. § 23-355.

4 33. Swift was not legally entitled to withhold any wages that
5 Mr. Coberly earned for the actual hours he worked.

6 34. Swift was never legally entitled to any exemption to the obligation to
7 timely pay Mr. Coberly all wages owed.
8

9 **REQUESTED RELIEF**

10 **COUNT ONE**

11 A. For the Court to find that the Swift willfully violated the overtime
12 provisions of the FLSA;
13

14 B. For the Court to find that a three-year limitations period is
15 appropriate because Swift willfully violated the FLSA;

16 B. For an award of damages of unpaid overtime, plus an equal amount
17 as liquidated damages pursuant to 29 U.S.C. § 216(b);

18 C. For an award of Mr. Coberly's reasonable attorneys' fees and costs,
19 pursuant to 29 U.S.C. § 216(b); and
20

21 D. For an award of pre and post judgment interest on all compensation
22 due.
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COUNT TWO

A. For the Court to find that Swift violated Arizona law by failing to pay all regular and overtime wages owed to Mr. Coberly;

B. For an award of damages including the wages owed, interest thereon, and an additional amount equal to twice the unpaid wages, pursuant to A.R.S. § 23-355;

C. For an award of attorneys' fees and costs; and

D. For an award of pre and post judgment interest.

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial to the extent authorized by law.

Dated this 15th day of August, 2012

Matheson & Matheson, PLC

By: 

Darrel S. Jackson #018415

Michelle R. Matheson (019568)
Darrel S. Jackson (018415)
Matthew E. Walls (026523)
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Attorneys for Plaintiff

SUPERIOR COURT OF ARIZONA

MARICOPA COUNTY

Dan L. Coberly, a married man,

Plaintiff,

v.

Swift Transportation of Arizona, L.L.C., a
Delaware limited liability company,

Defendant.

No.: CV 2012-055294

**PLAINTIFFS' FIRST REQUEST
FOR PRODUCTION**

TO: DEFENDANT

Pursuant to Rules 26(a) and 34, Arizona Rules of Civil Procedure, you are requested and required to produce and permit the Plaintiffs to inspect and copy each of the documents described below.

INSTRUCTIONS

A. REQUEST FOR PRODUCTION: Production of documents and things is requested pursuant to Rule 34 of the Arizona Rules of Civil Procedure. The time and place at which production shall be made is:

1 PLACE: **Matheson & Matheson, P.L.C.**
2 **15300 North 90th Street**
3 **Suite 550**
4 **Scottsdale, Arizona 85260**

5 DATE: **Sixty (60) days from the date of service of this**
6 **Request.**

7 TIME: **Before 5:00 p.m.**

8 B. The requests for discovery are intended as continuing requests and you must
9 reasonably supplement your responses hereafter as contemplated by the Arizona Rules of
10 Civil Procedure, Rule 26(e)(3).

11 C. This request for discovery is directed to each Defendant, and each is
12 requested to produce all documents and things that are in their individual possession
13 (whether they be individuals or corporate entities), or in the possession of their attorneys,
14 investigators, agents, employees, or other representatives, or which are reasonably
15 obtainable by any of the above.

16 **DEFINITIONS**

17 The following terms shall have the following meanings:

18 A. "Document" or "documents": These terms shall be interpreted in their
19 broadest sense. They include but are not limited to, every writing of every type and
20 description, and every other instrument or device by which, through which, or on which
21 information has been recorded and/or preserved. Documents include but are not limited to,
22 memoranda, notes, letters, drawings, canceled checks, receipts, graphs, charts, maps,
23 photographs, contracts, hand-written notes, logs, calendars, diaries, financial reports and
24 records, appointment books, minutes of meetings, photographic, video or audiotape
25

1 recordings, computer cards, tapes and printouts, or other data compilations, and every
2 other device or medium on which or through which information of any type is transmitted,
3 recorded or preserved. Where production of documents is requested, a copy may be
4 produced in lieu of an original, but in such a case, the response to the relevant request for
5 production shall state that a copy is being produced. Also, if a copy is produced, Plaintiff's
6 reserves the right to inspect and copy the original upon reasonable notice.

7
8 B. "Person" or "persons": Every individual, firm, corporation, association,
9 organization, or other entity, including agents and employees.

10 REQUESTS

11 Please provide the following:

12 1. Any employee handbook, ethics policy or other policy in place at
13 Defendant's corporate headquarters from July 2009 to present, that addresses the issues of
14 overtime compensation or Defendant's obligations under the Fair Labor Standards Act
15 (FLSA).
16

17 2. A complete copy of Plaintiff's personnel file (including any supervisor's file)
18 maintained during his employment with Defendant, including but not limited to, all time
19 and attendance records, time cards, work schedules, timesheets, payroll records and/or any
20 other documents reflecting time worked during Plaintiff's employment with Defendant for
21 the period of July 2009 through the end of their employment.
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1 3. Any and all job descriptions or similar documents setting forth the job duties
2 and/or job responsibilities, job postings, notice of job postings or advertisements for each
3 of Plaintiff's job positions.

4 4. All training materials utilized by Defendant to train Plaintiff.

5 5. Any document retention policy or procedure in effect for Defendant from
6 July 2009 to the present.

7 6. Any documents that support Defendant's contention that Plaintiff meets one
8 or more of the FLSA's overtime exemptions, assuming that Defendant so contends.

9 7. All documents relied upon by Defendant in responding to Plaintiff's First Set
10 of Non-Uniform Interrogatories.

11 8. All written communications (including text messages and electronic mail)
12 between Defendant and Plaintiff regarding compensation, work hours, or job duties.


13 9. For the period of time beginning three years before the filing of this lawsuit,
14 all documents that describe or reflect outgoing and/or incoming calls on the mobile
15 telephone that Defendant issued to Plaintiff for work.

16 10. For the period of time beginning three years before the filing of this lawsuit,
17 all documents that describe or reflect Plaintiff's access to Defendant's AS-400 computer
18 system.

19 11. For the period of time beginning three years before the filing of this lawsuit,
20 all electronic messages sent from, and received at, the electronic mail address that
21 Defendant provided to Plaintiff for work.

November 13, 2012

Matheson & Matheson, PLC


By: Darrel S. Jackson #018415

ORIGINAL and COPY of the foregoing
hand delivered on the same day as the
Complaint and Summons to:

Swift Transportation of Arizona, L.L.C.
c/o National Registered Agents, L.L.C.
300 W. Clarendon Ave., #230
Phoenix, AZ 85013

Michelle R. Matheson (019568)
Darrel S. Jackson (018415)
Matthew E. Walls (026523)
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Attorneys for Plaintiff

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2 15300 North 90th Street
3 Suite 550
4 Scottsdale, Arizona 85260

5 DATE: Sixty (60) days from the date of service of this
6 Request.

7 TIME: Before 5:00 p.m.

8 B. The requests for discovery are intended as continuing requests and you must
9 reasonably supplement your responses hereafter as contemplated by the Arizona Rules of
10 Civil Procedure, Rule 26(e)(3).

11 C. This request for discovery is directed to each Defendant, and each is
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15 obtainable by any of the above.

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22 memoranda, notes, letters, drawings, canceled checks, receipts, graphs, charts, maps,
23 photographs, contracts, hand-written notes, logs, calendars, diaries, financial reports and
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25

1 recordings, computer cards, tapes and printouts, or other data compilations, and every
2 other device or medium on which or through which information of any type is transmitted,
3 recorded or preserved. Where production of documents is requested, a copy may be
4 produced in lieu of an original, but in such a case, the response to the relevant request for
5 production shall state that a copy is being produced. Also, if a copy is produced, Plaintiffs
6 reserves the right to inspect and copy the original upon reasonable notice.
7

8 B. "Person" or "persons": Every individual, firm, corporation, association,
9 organization, or other entity, including agents and employees.

10 REQUESTS

11 Please provide the following:

12 1. Any employee handbook, ethics policy or other policy in place at
13 Defendant's corporate headquarters from July 2009 to present, that addresses the issues of
14 overtime compensation or Defendant's obligations under the Fair Labor Standards Act
15 (FLSA).
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17 2. A complete copy of Plaintiff's personnel file (including any supervisor's file)
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5 5. Any document retention policy or procedure in effect for Defendant from
6 July 2009 to the present.

7 6. Any documents that support Defendant's contention that Plaintiff meets one
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15 telephone that Defendant issued to Plaintiff for work.

16 10. For the period of time beginning three years before the filing of this lawsuit,
17 all documents that describe or reflect Plaintiff's access to Defendant's AS-400 computer
18 system.

19 11. For the period of time beginning three years before the filing of this lawsuit,
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November 13, 2012

Matheson & Matheson, PLC


By: Darrel S. Jackson #018415

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Attorneys for Plaintiffs

SUPERIOR COURT OF ARIZONA

MARICOPA COUNTY

Dan L. Coberly, a married man,

Plaintiffs,

v.

Swift Transportation of Arizona, L.L.C., a
Delaware limited liability company,

Defendant.

No.:

**PLAINTIFF'S FIRST SET OF NON-
UNIFORM INTERROGATORIES**

Under the authority of Rule 33, Arizona Rules of Civil Procedure, Plaintiff hereby demands that the Defendant named herein answer in writing, under oath and within sixty (60) days from the receipt hereof, the following interrogatories.

GENERAL INSTRUCTIONS AND DEFINITIONS

A. All information is to be divulged that is in the possession of the individual or corporation party, attorneys, investigators, agents, employees, or other representatives of the named party and his attorney. In preparing your

1 answers, a diligent search of your records and of papers and materials in your
2 possession or available to you should be made.

3 B. Where an individual interrogatory calls for an answer that involves
4 more than one part, each part of the answer should be clearly set out so that it is
5 understandable.

6 C. These interrogatories are intended as continuing interrogatories,
7 requiring you to supplement your answers to set forth any information within the
8 scope of the interrogatories as may be acquired by you, your agents, attorneys, or
9 representatives following your initial answers.
10

11 D. With respect to a person, the term "identify" means to state the
12 name, last known address, job, telephone number and email address.

13 E. With respect to a document, the term "identify" means to state the
14 title of the document (if any), its general subject matter, the date the document was
15 issued or which appears on the document as its date of issuance, the person from
16 whom the document was issued, including all copies of the document, all
17 custodians of the original or any copies of the document and the address and title
18 of each such custodian.
19
20

21 **NON-UNIFORM INTERROGATORIES**

22 1. Identify the individuals and entities answering these interrogatories
23 and the documents consulted in answering the interrogatories. If any of those
24
25

1 documents have not been provided to Plaintiff in response to Plaintiff's Request
2 for Production of Documents, provide a copy of those documents along with the
3 answer to this interrogatory.

4
5
6 2. Identify Plaintiff's "workweek" as defined by 29 CFR 778.105.

7
8
9
10 3. For the period beginning three years before the filing of this lawsuit,
11 describe any time and attendance methods utilized by Defendant to track hours
12 worked by its employees from July 2009 through the present.

13
14
15
16 4. For the period beginning three years before the filing of this lawsuit,
17 describe each occasion on which Plaintiff worked more than 40 hours in any one
18 workweek, specifying as to date, duration, purpose, and any compensation paid for
19 the hours worked over 40 hours. For purposes of this interrogatory, the term
20 "workweek" is the 168 hour period identified in Defendant's response to
21 interrogatory No. 2.

1 5. For the period of time beginning three years before the filing of this
2 lawsuit, if Defendant contends that Plaintiff was an exempt employee under the
3 Fair Labor Standards Act, identify the applicable exemption claimed and describe
4 all material facts supporting such contention.

5
6
7
8 6. Describe in detail each complaint from August 2008 to present
9 (whether formal or informal, written or oral) made to Defendant about unpaid
10 overtime wages or any other grievance alleging unpaid employee compensation
11 made by any present or former employee, including the nature and date of the
12 complaint, the identity of the complainant, the identity of the persons who
13 received or were consulted in connection with each complaint, and any actions
14 taken to rectify the situation. For purposes of this interrogatory, "complaint"
15 includes administrative filings with the U.S. Department of Labor or similar state
16 Department of Labor as well as a lawsuit filed in any state or federal court.

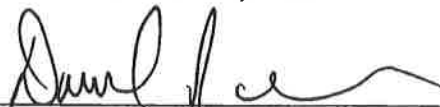
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20 7. For the period beginning three years before the filing of this lawsuit,
21 identify any individual who served as a supervisor to Plaintiff, the time period that
22 individual(s) supervised Plaintiff, and provide a job description for each such
23 supervisor.

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4 8. Provide the full name, current (or last known) address and date of
5 hire for any individual who performed the same duties as Plaintiff from August
6 2008 to present.
7
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11 9. Describe any meeting at which Plaintiff's employment status,
12 compensation, or performance was discussed, specifying as to date(s), person(s)
13 present, and the content of any statements made by each person present and any
14 record made.
15
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19

20 November 13, 2012

21 Matheson & Matheson, PLC

22 By: 
23 Darrel S. Jackson #018415
24
25

1 ORIGINAL and COPY of the foregoing
2 hand delivered on the same day as the
3 Complaint and Summons to:

4 Swift Transportation of Arizona, L.L.C.
5 c/o National Registered Agents, L.L.C.
6 300 W. Clarendon Ave., #230
7 Phoenix, AZ 85013
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Michelle R. Matheson (019568)
Darrel S. Jackson (018415)
Matthew E. Walls (026523)
MATHESON & MATHESON, P.L.C.
15300 North 90th Street
Suite 550
Scottsdale, Arizona 85260
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mmatheson@mathesonlegal.com
djackson@mathesonlegal.com
mwalls@mathesonlegal.com

Attorneys for Plaintiffs

SUPERIOR COURT OF ARIZONA

MARICOPA COUNTY

Dan L. Coberly, a married man,

Plaintiffs,

v.

Swift Transportation of Arizona, L.L.C., a
Delaware limited liability company,

Defendant.

No.:

**PLAINTIFF'S FIRST SET OF NON-
UNIFORM INTERROGATORIES**

Under the authority of Rule 33, Arizona Rules of Civil Procedure, Plaintiff hereby demands that the Defendant named herein answer in writing, under oath and within sixty (60) days from the receipt hereof, the following interrogatories.

GENERAL INSTRUCTIONS AND DEFINITIONS

A. All information is to be divulged that is in the possession of the individual or corporation party, attorneys, investigators, agents, employees, or other representatives of the named party and his attorney. In preparing your

1 answers, a diligent search of your records and of papers and materials in your
2 possession or available to you should be made.

3 B. Where an individual interrogatory calls for an answer that involves
4 more than one part, each part of the answer should be clearly set out so that it is
5 understandable.

6 C. These interrogatories are intended as continuing interrogatories,
7 requiring you to supplement your answers to set forth any information within the
8 scope of the interrogatories as may be acquired by you, your agents, attorneys, or
9 representatives following your initial answers.
10

11 D. With respect to a person, the term "identify" means to state the
12 name, last known address, job, telephone number and email address.

13 E. With respect to a document, the term "identify" means to state the
14 title of the document (if any), its general subject matter, the date the document was
15 issued or which appears on the document as its date of issuance, the person from
16 whom the document was issued, including all copies of the document, all
17 custodians of the original or any copies of the document and the address and title
18 of each such custodian.
19
20

21 NON-UNIFORM INTERROGATORIES

22 1. Identify the individuals and entities answering these interrogatories
23 and the documents consulted in answering the interrogatories. If any of those
24
25

1 documents have not been provided to Plaintiff in response to Plaintiff's Request
2 for Production of Documents, provide a copy of those documents along with the
3 answer to this interrogatory.

4
5
6 2. Identify Plaintiff's "workweek" as defined by 29 CFR 778.105.

7
8
9
10 3. For the period beginning three years before the filing of this lawsuit,
11 describe any time and attendance methods utilized by Defendant to track hours
12 worked by its employees from July 2009 through the present.

13
14
15
16 4. For the period beginning three years before the filing of this lawsuit,
17 describe each occasion on which Plaintiff worked more than 40 hours in any one
18 workweek, specifying as to date, duration, purpose, and any compensation paid for
19 the hours worked over 40 hours. For purposes of this interrogatory, the term
20 "workweek" is the 168 hour period identified in Defendant's response to
21 interrogatory No. 2.

1 5. For the period of time beginning three years before the filing of this
2 lawsuit, if Defendant contends that Plaintiff was an exempt employee under the
3 Fair Labor Standards Act, identify the applicable exemption claimed and describe
4 all material facts supporting such contention.

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7
8 6. Describe in detail each complaint from August 2008 to present
9 (whether formal or informal, written or oral) made to Defendant about unpaid
10 overtime wages or any other grievance alleging unpaid employee compensation
11 made by any present or former employee, including the nature and date of the
12 complaint, the identity of the complainant, the identity of the persons who
13 received or were consulted in connection with each complaint, and any actions
14 taken to rectify the situation. For purposes of this interrogatory, "complaint"
15 includes administrative filings with the U.S. Department of Labor or similar state
16 Department of Labor as well as a lawsuit filed in any state or federal court.

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20 7. For the period beginning three years before the filing of this lawsuit,
21 identify any individual who served as a supervisor to Plaintiff, the time period that
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23 supervisor.
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11 9. Describe any meeting at which Plaintiff's employment status,
12 compensation, or performance was discussed, specifying as to date(s), person(s)
13 present, and the content of any statements made by each person present and any
14 record made.
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19

20 November 13, 2012

21 Matheson & Matheson, PLC

22 By: 
23 Darrel S. Jackson #018415
24
25

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2 hand delivered on the same day as the
3 Complaint and Summons to:

4 Swift Transportation of Arizona, L.L.C.
5 c/o National Registered Agents, L.L.C.
6 300 W. Clarendon Ave., #230
7 Phoenix, AZ 85013
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Exhibit 2

Office Distribution

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

****FILED****

11/21/2012

by Superior Court Admin
on behalf of Clerk of the
Superior Court

Ct. Admin
Deputy

11/17/2012

COURT ADMINISTRATION

Case Number: CV2012-055294

Dan L Coberly

V.

Swift Transportation Of Arizona L L C

The Judge assigned to this action is the Honorable Michael D Gordon

NOTICE OF INTENT TO DISMISS FOR LACK OF SERVICE

You are hereby notified that the complaint filed on 08/15/2012 is subject to dismissal pursuant to Rule 4 (i), Arizona Rules of Civil Procedure. The deadline for completing service is 12/13/2012. If no judge has extended time for completing service and no defendants have been served by this date, this case will be dismissed.

Superior Court of Maricopa County - integrated Court Information System
Endorsee Party Listing
Case Number: CV2012-055294

Party Name	Attorney Name	
Dan L Coberly	Darrel S Jackson	Bar ID: 018415

MICHAEL K. JEANES, CLERK
RECEIVED CCC #8
DOCUMENT DEPOSITORY

12 NOV 16 PM 4: 25

1 Michelle R. Matheson (AZ#019568)
2 Darrel S. Jackson (AZ#018415)
3 Matthew E. Walls (AZ#026523)
4 MATHESON & MATHESON, P.L.C.
5 15300 North 90th Street
6 Suite 550
7 Scottsdale, Arizona 85260
8 (480) 889-8951
9 mmatheson@mathesonlegal.com
10 djackson@mathesonlegal.com
11 mwalls@mathesonlegal.com

12 Attorneys for Plaintiff

ORIGINAL

FILED
BY M. MEJIA, DEP.

SUPERIOR COURT OF ARIZONA

MARICOPA COUNTY

13 Dan L. Coberly, a married man,

14 Plaintiff,

15 v.

16 Swift Transportation of Arizona, L.L.C., a
17 Delaware limited liability company,

18 Defendant.

Case No.: *CW 2012-055294*

SUMMONS

If you would like legal advice from a lawyer,
contact the Lawyer Referral Service at

602-267-4434

or

www.lawyerfinders.org.

Sponsored by the
Maricopa County Bar Association

THE STATE OF ARIZONA TO THE DEFENDANT:

19 Swift Transportation of Arizona, L.L.C.
20 C/O National Registered Agents, LLC
21 300 W. Clarendon Ave, #230
22 Phoenix, AZ 85013

23 **YOU ARE HEREBY SUMMONED** and required to appear and defend, within
24 the time applicable, in this action in this Court. If served within Arizona, you shall
25 appear and defend within 20 days after the service of the Summons and Complaint upon
you, exclusive of the day of service. If served out of the State of Arizona – whether by
direct service, by registered or certified mail, or by publication – you shall appear and
defend within 30 days after the service of the Summons and Complaint upon you is
complete, exclusive of the day of service. Where process is served upon the Arizona

Director of Insurance as an insurer's attorney to receive service of legal process against it in this state, the insurer shall not be required to appear, answer or plead until the expiration of 40 days after date of such service upon the Director. Served by registered or certified mail without the State of Arizona is complete 30 days after the date of filing the receipt and affidavit of service with the Court. Service by publication is complete 30 days after the date of first publication. Direct service is complete when made. Service upon the Arizona Motor Vehicle Superintendent is complete 30 days after filing the Affidavit of Compliance and return receipt or Officer's Return. RCP 4; A.R.S. §§ 20-222, 28-502, 28-503.

YOU ARE HEREBY NOTIFIED that in case of your failure to appear and defend within the time applicable, judgment by default may be rendered against you for the relief demanded in the Complaint.

YOU ARE CAUTIONED that in order to appear and defend, you must file an Answer or proper response in writing with the Clerk of this Court, accompanied by the necessary filing fee, within the time required, and you are required to serve a copy of any Answer or response upon the Plaintiff's attorney. RCP 10(d); A.R.S. § 12-311; RCP 5.

REQUESTS FOR REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES MUST BE MADE TO THE DIVISION ASSIGNED TO THE CASE BY PARTIES AT LEAST THREE (3) JUDICIAL DAYS IN ADVANCE OF A SCHEDULED COURT PROCEEDING. Maricopa County Local Rule 2.6, effective October 1, 1994.

The name and address of Plaintiffs' attorney is:

**Darrel S. Jackson
Matheson & Matheson, P.L.C.
15300 North 90th Street, Suite 550
Scottsdale, Arizona 85260
(480) 889-8951**

NOV 13 2012

GIVEN UNDER MY HAND this date: _____

Clerk of the Superior Court



Deputy Clerk

MICHAEL K. JEANES, CLERK

MICHAEL K. JEANES, CLERK
RECEIVED CCC #8
DOCUMENT DEPOSITORY

12 NOV 16 PM 4: 26

E-Z MESSENGER
2502 N. Black Canyon Hwy.
Phoenix, AZ 85009-1818
(602) 258-8081 FAX: (602) 258-8864

CLIENT FILE NO.
COBERLY / SWIFT

IN THE ARIZONA SUPERIOR COURT
STATE OF ARIZONA COUNTY OF MARICOPA

FILED
BY M. MEJIA, DEP.

DAN L. COBERLY, A MARRIED MAN
VS
SWIFT TRANSPORTATION OF ARIZONA, L.L.C.

CASE NO. CV2012-055294

STATE OF ARIZONA)
MARICOPA COUNTY)

AFFIDAVIT OF SERVICE

THE AFFIANT, being sworn, states: That I am a private process server registered in MARICOPA COUNTY and an Officer of the Court. On 11/14/12 I received the SUMMONS; CERTIFICATE REGARDING COMPULSORY ARBITRATION; COMPLAINT (JURY TRIAL REQUESTED); (2) OFFER OF JUDGMENT; ORIGINAL/COPY PLAINTIFFS' FIRST REQUEST FOR PRODUCTION; ORIGINAL/COPY PLAINTIFF'S FIRST SET OF NON-UNIFORM INTERROGATORIES

from MATHESON & MATHESON, P.L.C. and by DARREL S. JACKSON in each instance I personally served a copy of each document listed above upon: SWIFT TRANSPORTATION OF ARIZONA, L.L.C., A DELEWARE LIMITED LIABILITY COMPANY, BY SERVICE UPON ITS STATUTORY AGENT, NATIONAL REGISTERED AGENTS, LLC on 11/14/12 at 12:59 pm at 300 W. CLARENDON AVE. #230 PHOENIX, AZ 85013 MARICOPA COUNTY in the manner shown below:

by leaving true copy(ies) of the above documents with DAN MILES, CUSTOMER SERVICE REPRESENTATIVE, STATED AUTHORIZED TO ACCEPT.

Description: CAU, Male, Approx. 49 yrs. of age, 5' 9" tall, Weighing 170lbs., BROWN Eyes, BROWN Hair,

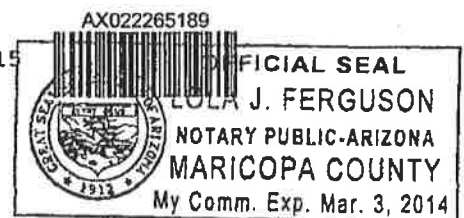
ERNAD CAJIC, ACPS Affiant
Sworn to before me the Nov 15, 2012

Lola J. Ferguson Notary

My Commission expires: 03/03/2014

SERVICE OF PROCESS	\$	16.00
MILES 5	\$	16.00
SERVICE CHARGE	\$	8.00
AFFIDAVIT PREP/NOTARY	\$	10.00
TOTAL	\$	50.00

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ORIGINAL



MICHAEL K. JEANES
 Clerk of the Superior Court
 By Ruth Bartlett, Deputy
 Date 08/15/2012 Time 15:45:06

Description	Amount
CASE# CV2012-055294	
CIVIL NEW COMPLAINT	301.00
TOTAL AMOUNT	301.00
Receipt# 22389301	

Michelle R. Matheson, 019568
 Darrel S. Jackson, 018415
 Matthew E. Walls, 026523
 MATHESON & MATHESON, P.L.C.
 15300 N. 90th Street, Suite 550
 Scottsdale, Arizona 85260
 (480) 889-8951
 mmatheson@mathesonlegal.com
 djackson@mathesonlegal.com
 mwalls@mathesonlegal.com

Attorneys for Plaintiff

SUPERIOR COURT OF ARIZONA

MARICOPA COUNTY

No.: CV2012-055294

Dan L. Coberly, a married man,

Plaintiff,

v.

Swift Transportation of Arizona, L.L.C., a
 Delaware limited liability company,

Defendant.

COMPLAINT

(JURY TRIAL REQUESTED)

Plaintiff Dan Coberly alleges:

1. This case arises out of Defendant's unlawful employment practices. Specifically, Defendant Swift Transportation or Arizona, LLC ("Swift") unlawfully failed and refused to pay Mr. Coberly overtime as required by the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201 *et seq.* Swift also failed and refused to pay Mr. Coberly for time that he was required to work "off-the-clock," in violation of Arizona's wage statute, A.R.S. § 23-352.

1 2. This Court has jurisdiction over this matter pursuant to Ariz. Const.
2 Art. 6, § 14.

3 3. This Court is the appropriate venue, pursuant to A.R.S. § 12-401,
4 because Swift's corporate headquarters is located in Maricopa County, Arizona (at
5 2200 S. 75th Avenue, Phoenix, Arizona, 85043) and because the acts alleged
6 herein occurred in Maricopa County.

7 4. Swift is a trucking company, providing transportation and logistics
8 services to customers throughout North America.

9 5. Mr. Coberly has worked for Swift for approximately 17 years, and
10 he continues to work for Swift. Mr. Coberly was a commercial driver for Swift
11 for nine years. For that last eight years, he has performed a variety of job duties
12 for Swift at its corporate headquarters.

13 6. For the time period relevant to this lawsuit, Mr. Coberly regularly
14 coordinated Swift's efforts to respond to incidents that involve the release of any
15 hazardous materials into the environment ("**Haz-Mat Incidents**").

16 7. Mr. Coberly regularly worked a 40-hour work week at Swift's
17 corporate headquarters.

18 8. In addition to his regular work week, Swift required Mr. Coberly to
19 be on-call to coordinate Swift's immediate response to any Haz-Mat Incidents.
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1 9. Swift required Mr. Coberly to be on-call to respond to any Haz-Mat
2 Incidents 24 hours per day and every day of the year.

3 10. Swift required Mr. Coberly to respond to each Haz-Mat Incident
4 within 15 minutes of receiving notice.

5 11. Mr. Coberly was required to make contemporaneous notes into a
6 computerized system as he responded to Haz-Mat Incidents. For example, he was
7 required to contemporaneously document response times and field reports into
8 three separate computer systems. Consequently, he was required to have access to
9 a computer and internet connectivity at all times.
10

11 12. Mr. Coberly was regularly required to respond to Haz-Mat Incidents
12 during his normal sleeping hours.

13 13. Mr. Coberly was regularly required to respond to Haz-Mat Incidents
14 on weekends and holidays, and during vacations and sick time.
15

16 14. Swift has not paid Mr. Coberly for any work performed outside of
17 his normal work hours at corporate headquarters.

18 15. Beginning on or about July 18, 2010, Swift began paying
19 Mr. Coberly on an hourly basis. His initial hourly wage rate was \$18.91. On or
20 about May 8, 2011, his hourly wage rate increased to \$19.48. On or about April 8,
21 2012, his hourly wage rate increased to \$20.06.
22
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18. Mr. Coberly did not supervise other employees. For example, he made no decisions or recommendations regarding disciplining other employees.

20. Mr. Coberly made no decisions regarding work schedules for other employees.

(Fair Labor Standards Act Overtime Claim)

22. Mr. Coberly was a covered "employee" and Swift was Coberly's "employer" as those terms are defined by the FLSA.

-4-

1 24. Swift's annual gross volume of sales or business done was not less
2 than \$500,000.00 in the four calendar quarters preceding the filing of this
3 complaint.

4 25. Mr. Coberly is a covered individual "engaged in commerce or in the
5 production of goods for commerce" as that term is defined by the FLSA.

6 26. Mr. Coberly is a nonexempt employee under the FLSA.

7 27. Swift is aware or should have been aware that federal law required it
8 to pay overtime to Mr. Coberly for all time worked in excess of 40 hours per
9 week.
10

11 28. Swift did not make a good-faith effort to ascertain and comply with
12 its obligations under the FLSA.

13 29. Swift's violation of the FLSA was willful.

14 30. Mr. Coberly has suffered economic damages as a result of Swift's
15 unlawful compensation practice and is entitled to statutory remedies provided
16 pursuant to the FLSA, including unpaid overtime compensation, liquidated
17 damages, pre and post judgment interest, attorneys' fees and costs.
18

19 **COUNT TWO**

20 **(Arizona Wage Claim)**

21 31. Mr. Coberly incorporates by reference the allegations above.
22
23
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25

1 32. Swifts failure to pay Mr. Coberly for all regular and overtime wages
2 earned constitutes a violation of A.R.S. § 23-352, entitling him to an award of
3 treble damages pursuant to A.R.S. § 23-355.

4 33. Swift was not legally entitled to withhold any wages that
5 Mr. Coberly earned for the actual hours he worked.

6 34. Swift was never legally entitled to any exemption to the obligation to
7 timely pay Mr. Coberly all wages owed.
8

9 **REQUESTED RELIEF**

10 **COUNT ONE**

11 A. For the Court to find that the Swift willfully violated the overtime
12 provisions of the FLSA;

13 B. For the Court to find that a three-year limitations period is
14 appropriate because Swift willfully violated the FLSA;

15 B. For an award of damages of unpaid overtime, plus an equal amount
16 as liquidated damages pursuant to 29 U.S.C. § 216(b);

17 C. For an award of Mr. Coberly's reasonable attorneys' fees and costs,
18 pursuant to 29 U.S.C. § 216(b); and
19

20 D. For an award of pre and post judgment interest on all compensation
21 due.
22
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25

COUNT TWO

A. For the Court to find that Swift violated Arizona law by failing to pay all regular and overtime wages owed to Mr. Coberly;

B. For an award of damages including the wages owed, interest thereon, and an additional amount equal to twice the unpaid wages, pursuant to A.R.S. § 23-355;

C. For an award of attorneys' fees and costs; and

D. For an award of pre and post judgment interest.

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial to the extent authorized by law.

Dated this 15th day of August, 2012

Matheson & Matheson, PLC

By: 

Darrel S. Jackson #018415

Michelle R. Matheson (AZ#019568)
Darrel S. Jackson (AZ#018415)
Matthew E. Walls (AZ#026523)
MATHESON & MATHESON, P.L.C.
15300 North 90th Street
Suite 550
Scottsdale, Arizona 85260
(480) 889-8951
mmatheson@mathesonlegal.com
djackson@mathesonlegal.com
mwalls@mathesonlegal.com

Attorneys for Plaintiff

SUPERIOR COURT OF ARIZONA

MARICOPA COUNTY

Dan L. Coberly, a married man,

Plaintiff,

v.

Swift Transportation of Arizona, L.L.C., a
Delaware limited liability company,

Defendant.

Case No.:

SUMMONS

THE STATE OF ARIZONA TO THE DEFENDANT:

Swift Transportation of Arizona, L.L.C.
C/O National Registered Agents, LLC
300 W. Clarendon Ave, #230
Phoenix, AZ 85013

YOU ARE HEREBY SUMMONED and required to appear and defend, within the time applicable, in this action in this Court. If served within Arizona, you shall appear and defend within 20 days after the service of the Summons and Complaint upon you, exclusive of the day of service. If served out of the State of Arizona – whether by direct service, by registered or certified mail, or by publication – you shall appear and defend within 30 days after the service of the Summons and Complaint upon you is complete, exclusive of the day of service. Where process is served upon the Arizona

1 Director of Insurance as an insurer's attorney to receive service of legal process against it
2 in this state, the insurer shall not be required to appear, answer or plead until the
3 expiration of 40 days after date of such service upon the Director. Served by registered
4 or certified mail without the State of Arizona is complete 30 days after the date of filing
5 the receipt and affidavit of service with the Court. Service by publication is complete 30
6 days after the date of first publication. Direct service is complete when made. Service
7 upon the Arizona Motor Vehicle Superintendent is complete 30 days after filing the
8 Affidavit of Compliance and return receipt or Officer's Return. RCP 4; A.R.S. §§ 20-
9 222, 28-502, 28-503.

10 **YOU ARE HEREBY NOTIFIED** that in case of your failure to appear and
11 defend within the time applicable, judgment by default may be rendered against you for
12 the relief demanded in the Complaint.

13 **YOU ARE CAUTIONED** that in order to appear and defend, you must file an
14 Answer or proper response in writing with the Clerk of this Court, accompanied by the
15 necessary filing fee, within the time required, and you are required to serve a copy of any
16 Answer or response upon the Plaintiff's attorney. RCP 10(d); A.R.S. § 12-311; RCP 5.

17 **REQUESTS FOR REASONABLE ACCOMMODATION FOR PERSONS WITH**
18 **DISABILITIES MUST BE MADE TO THE DIVISION ASSIGNED TO THE CASE**
19 **BY PARTIES AT LEAST THREE (3) JUDICIAL DAYS IN ADVANCE OF A**
20 **SCHEDULED COURT PROCEEDING. Maricopa County Local Rule 2.6, effective**
21 **October 1, 1994.**

22 The name and address of Plaintiffs' attorney is:

23 **Darrel S. Jackson**
24 **Matheson & Matheson, P.L.C.**
25 **15300 North 90th Street, Suite 550**
Scottsdale, Arizona 85260
(480) 889-8951

GIVEN UNDER MY HAND this date: _____
Clerk of the Superior Court

By _____
Deputy Clerk

MICHAEL K. JEANES, CLERK
BY  DEP
FILED

12 AUG 15 PM 3:43

Michelle R. Matheson (019568)
Darrel S. Jackson (018415)
Matthew E. Walls (026523)
MATHESON & MATHESON, P.L.C.
15300 N. 90th Street, #550
Scottsdale, AZ 85260
mmatheson@mathesonlegal.com
djackson@mathesonlegal.com
mwalls@mathesonlegal.com

Attorney for Plaintiff

SUPERIOR COURT OF ARIZONA

MARICOPA COUNTY

Dan L. Coberly, a married man,

Plaintiff,

v.

Swift Transportation of Arizona, L.L.C., a
Delaware limited liability company,

Defendant.

No.: CV2012-055294

**CERTIFICATE REGARDING
COMPULSORY ARBITRATION**

The undersigned certifies that they know the dollar limits and any other limitations set forth by the local rules of practice for the applicable superior court, and further certifies that this case is not within the jurisdictional limit for compulsory arbitration and is subject to compulsory arbitration, as provided by Rules 72 through 76 of the Arizona Rules of Civil Procedure.

Dated this 15th day of August, 2012.

Matheson & Matheson, PLC

By: 

Darrel S. Jackson #018415

1 ORIGINAL and COPY of the foregoing
2 hand delivered the same day as the
3 Complaint and Summons, to:

4 By: Christina Garrett
5
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Exhibit 3

1 John F. Lomax, Jr. (020224)
Michelle L. Keogh (026288)
2 SNELL & WILMER L.L.P.
One Arizona Center
3 400 East Van Buren
Phoenix, Arizona 85004-2202
4 Telephone: (602) 382-6000
Facsimile: (602) 382-6070
5 jlomax@swlaw.com
mkeogh@swlaw.com
6 Attorneys for Defendant

7
8 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
9 IN AND FOR THE COUNTY OF MARICOPA

10
11 DAN L. COBERLY, a married man,

No. CV2012-055294

12 Plaintiff,

13 v.

14 SWIFT TRANSPORTATION OF
ARIZONA, L.L.C., a Delaware
limited liability company,

**NOTICE OF REMOVAL
TO FEDERAL COURT**

15 Defendant.
16

17
18 **TO THE CLERK OF THE MARICOPA COUNTY SUPERIOR COURT AND
PLAINTIFFS AND THEIR COUNSEL OF RECORD:**
19

20 PLEASE TAKE NOTICE that on December 4th, 2012, a Notice of Removal of
21 Action to remove this action from this Court to the United States District Court for the
22 District of Arizona, Phoenix Division, was filed with the Clerk of that Court by
23 Defendant Swift Transportation Co. of Arizona, L.L.C. A true copy of the Notice of
24 Removal of Action is attached as Exhibit 1.

25 In accordance with 28 U.S.C. § 1446(d), this Court shall proceed no further with
26 this action.
27
28

Snell & Wilmer

LLP
LAW OFFICES
One Arizona Center, 400 E. Van Buren
Phoenix, Arizona 85004-2202
(602) 362-6000

1 DATED this 4th day of December, 2012.

2 SNELL & WILMER L.L.P.

3
4 By s/Michelle L. Keogh
5 John F. Lomax, Jr. (020224)
6 Michelle L. Keogh (026288)
7 One Arizona Center
8 400 East Van Buren
9 Phoenix, Arizona 85004-2202
10 Attorneys for Defendant

11 E-FILED this 4th day of December, 2012.

12 COPY of the foregoing mailed this
13 4th day of December, 2012, to:

14 Michelle R. Matheson
15 Darrel S. Jackson
16 Matthew E. Walls
17 MATHESON & MATHESON, P.L.C.
18 15300 North 90th St., Ste. 550
19 Scottsdale, Arizona 85260

20 s/ Jeannie Fisher
21 16216494
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